

The background is a topographic map with a grid of contour lines. A prominent blue boundary line runs across the upper half of the image, with a shaded blue area just inside it. Contour lines are labeled with numbers such as 20, 40, and 60. The left side of the image features a blue, textured area representing water or a lake.

Section 3 Water Rights

Water Rights

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With a basic understanding of groundwater concepts and uses, it is important to understand who “owns” the groundwater as a next step in discussing groundwater management in the Central Basin. Types of water rights that have evolved over time in California, and that may apply to the Central Basin, include the following:

Appropriative right. This right is gained through extracting and using water for **reasonable and beneficial** uses. Because this right does not depend on ownership of the overlying land, the rights of an appropriator depend on actual physical control of the water (and since 1914, a permit for its beneficial use).

Correlative right. A correlative right is one that has a mutual or reciprocal relationship to the rights of others, in the sense that the existence of one necessarily implies the existence of the other. For example, the rights of landowners in a given basin to extract groundwater are correlative with all other landowners in that basin.

Overlying right. An overlying right is the right of landowners to take water from the aquifer beneath their property for reasonable and beneficial use on the land overlying the aquifer. Overlying rights exist by virtue of land ownership.

Prescriptive right. A prescriptive right comes into existence only if a groundwater basin has no **“surplus” water** available. Such a right is gained by appropriating nonsurplus water for a statutorily prescribed period.

Riparian right. Those who own property adjacent to a body of water possess the right to use the water for reasonable and beneficial purposes. All riparian rights are correlative.

Subordinate right. A subordinate right is one that is inferior to or secondary to a higher right.

“Owners” of groundwater in the Central Basin are among the many stakeholders represented in CSCGF. These stakeholders are considering management options for protecting the health, viability, and availability of groundwater in the Central Basin.

reasonable and beneficial use

Refers to Article X, Section 2, of the California Constitution. Section 2 requires that all water use be reasonable and beneficial. Beneficial uses include irrigation, domestic, M&I, hydroelectric power, recreation, and protection and enhancement of fish and wildlife. Reasonable use can be defined by what it is not: waste or unreasonable use. Reasonableness is determined based on circumstances and can vary according to the California Supreme Court.

surplus water

Water in excess of environmental use and state and federal water projects.